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THE HONORABLE JAMES L. ROBART

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HANY VELETANLIC,

Defendant.

No. CR18-00162-JLR

DEFENDANT'S RESPONSE TO **GOVERNMENT'S MOTION IN** LIMINE TO EXCLUDE DEFENSE ARGUMENTS SEEKING JURY **NULLIFICATION**

I. **INTRODUCTION**

COMES NOW the defendant, Hany Veletanlic, by and through his attorneys, and hereby respectfully submits this Response to Government's Motion in Limine to Exclude Defense Arguments Seeking Jury Nullification because the Government's arguments are vague, the defense is well aware of the case law and its obligations, and the categories of evidence the Government seeks to exclude may be relevant for purposes other than setting up an argument for nullification.

II. ARGUMENT

Response to the Government's Request to Exclude Arguments Encouraging Α. **Jury Nullification**

In general, the defense agrees that arguments encouraging the jury to nullify a guilty verdict based on evidence "other than the trial evidence" would be improper. The defense

agrees to follow the case law pertaining to proper arguments and the Federal Rules of Evidence. The Government's motion in limine regarding jury nullification is vague and the defense requests that the Government make an objection should something occur at trial which is perceived by the Government to be approaching an improper argument.

B. Response to the Government's Request to Preclude Evidence and Arguments Relating to Mr. Veletanlic's Immigration Status

The Defense agrees that arguments seeking nullification based on a defendant's immigration status would be improper. However, Mr. Veletanlic's status as a refugee may become relevant for other purposes.

C. Response to the Government's Request to Exclude Evidence or Arguments Relating to Possible Punishment or Consequences of Conviction

The Defense concedes that arguments or evidence relating to possible punishment or consequences of a conviction are inadmissible.

D. Response to the Government's Request to Exclude Evidence or Arguments about Mr. Velentanlic's Health

The Defense agrees that arguments seeking to elicit sympathy and/or nullification based on Mr. Velentanlic's health would be improper. However, Mr. Veletanlic's health may become relevant for other purposes.

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III. <u>CONCLUSION</u>

For the foregoing reasons, Mr. Veletanlic respectfully requests that the Court deny the Government's motion in limine to provide a blanket exclusion of evidence the Government believes would be used to elicit jury nullification.

DATED this 14th day of February, 2019.

Respectfully submitted,

s/ John Henry Browne
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2019, I electronically filed the foregoing with the clerk of the court using the CM/ECF system which will send notification of such filing to all the parties(s) of records. I hereby certify that I have served any other parties of record that are non-CM/ECF participants via Tele-fax/U.S. Postal mail.

s/Emma Aubrey

Emma Aubey, Attorney Law Offices of John Henry Browne, P.S. Email: aubrey@jhblawyer.com